IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 21803 of 2003

Between:

1 P.V. Brahmam S/o. Mavullayya
The Taderu Large Sized Cooperative Credit Society Limited No.4415, Taderu, Bhimavaram Mandal,
West Godavari District
2 Ch. V.B.Trinadha Rao S/o. Bhogaiah
3 G. Veera Swamy S/o. Pulla Rao
4 P. Chinnayya S/o.Krishna Murthy
5 B.P. Pullayya S/o. Ramesam
6 B.V.V. Satyanarayana S/o. Anjaneyulu
7 S.V.N. Vijaya Kumar S/o. S.No. Varaprasad Rao
8 M. Visweswara Rao S/o. Jagannadahm
9 N.V.Subba Rao S/o. Krishna Subba Rao
10 M. Nageswara Rao S/o. Padma Rao
11 P. Venkateswara Rao S/o. Ramamurthy
12 K. Krishna Murthy S/o.Mutyalu

..... PETITIONERS

AND

1 The Government of A.P., rep., by its Secretary, Department of Cooperation Secretariat, Hyderabad
2 The Joint Registrar/ District Cooperative Officer
West Godavari at Eluru
3 The Manager, District Cooperative Central Bank Limited,
Bhimavaram, W.G.District.
4 Person-in-Charge committee

The Taderu Large Sized Cooperative Ceredit Society Limited No. 4415, Taderu, Bhimavaram

Mandal, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ of mandamus or any other appropriate writ order or direction declaring the action of the 4th respondent herein in reducing the salaries of the petitioners herein by nearly 50% without notice and opportunity of being heard to the petitioners herein by virtue of resolution No.5 dated 21.1.2003 passed by the 4th respondent herein pursuant to the letter dated 2.12.2002 of the 3rd respondent herein as illegal, arbitrary, unreasonable, null and void and violative of Article 14 & 21 of the Constitution of India and violative of principles of natural justice and opposed to very spirit and object of the provisions of the A.P. Cooperative Societies Act and the A.P. Shos and Establishments Act and consequently direct the respondents 3 and 4 herein to restore the position with regard to the payment of salaries to the petitioners prior to the Resolution No.5 dated 21.1.2003.

Counsel for the Petitioner: MR.A.V.SESHA SAI

Counsel for the Respondent Nos.1 & 2: GP FOR COOPERATION

Counsel for the Respondent No.3: Mr. K. CHIDAMBARAM

Counsel for the Respondent No.4: --N.A.--

The Court made the following :

:ORAL ORDER:

The petitioners are all employees of the 4th respondent-Co-operative Credit Society.

The said Society, in view of the mandatory obligations qua Section 116-C of the Andhra Pradesh Co-operative Societies Act, 1964 (for short 'the Act') and in the context of its financial position, has by a resolution dated 21-01-2003 reduced the salaries of the petitioners, the writ petition is directed against the said action.

It is neither pleaded, urged or demonstrated before this court that the 4th respondent is an agency or instrumentality of the State within the meaning of Article 12 of the Constitution of India. No liability of the State Government towards the salaries of the petitioners is also established. The provisions of Section 116-C of the Act has been upheld. It is admitted that the financial position of the 4th respondent-Co-operative Credit Society, in the context of Section 116-C of the Act, does warrant its resolution dated 21-01-2003. In the aforesaid circumstances, the writ petition itself is not maintainable nor could any relief be granted to the petitioners, herein. The writ petition is, accordingly, dismissed. The petitioners are, however, at liberty to pursue such alternative remedies as are available at law. No costs.

GODA RAGHURAM, J

Dt. 27-07-2004

Pvks/*

To

1 Secretary, Department of Cooperation Government of A.P.,
Secretariat, Hyderabad
2 The Joint Registrar/ District Cooperative Officer
West Godavari at Eluru
3 The Manager, District Cooperative Central Bank Limited,
Bhimavaram, W.G.District.
4 Person-in-Charge committee
The Taderu Large Sized Cooperative Ceredit Society Limited No. 4415, Taderu, Bhimavaram
Mandal, West Godavari District.

5.2CCs to the Government Pleader for Co-operation, A.P. High Court Buildings, Hyderabad (OUT).

6.2CD copies